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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,328	04/22/2005	Satoshi Imai	450100-04798	1689
7590 William S Frommer Frommer Lawrence & Haug 745 Fifth Avenue New York, NY 10151		07/02/2007	EXAMINER COOK, NIA R	
			ART UNIT 2862	PAPER NUMBER
			MAIL DATE 07/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

BL

Office Action Summary	Application No. 10/532,328	Applicant(s) IMAI ET AL.	
	Examiner Nia Cook	Art Unit 2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>April 22, 2005, November 13, 2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Figures 5A, 5B, 5C, 6, 7, and 8 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. Appropriate correction is required.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. The form and legal phraseology often used in patent claims, such as "means", "comprising", or "said" should be avoided. It should avoid using phrases, which can be implied, such as, "Aspects of the invention can provide", "The disclosure defined by the invention", "The disclosure describes", etc. Appropriate correction is required.

Claim Objections

3. Claims 1,2,3,4, and 6 are objected to because of the following informalities:
- a. Regarding claims 1 and 6, line 1: the phrase "type" does not particularly point to a specific collapsible device and renders the claim indefinite. The occurrence of "type" should be deleted. Appropriate correction is required.
 - b. Regarding claim 2, line 3: the phrases "in one of said fixed barrel" and "in the other of said fixed barrel" are unclear, implies Applicant is claiming multiple "fixed barrel(s)", and lacks antecedent basis. Appropriate correction is required.

Art Unit: 2851

- c. Regarding claim 3, line 3: the phrase "a second group lens frame" lacks antecedent basis. A "second group lens frame" is indefinite without defining a "first group lens frame". Appropriate correction is required.
- d. Regarding claim 6, line 5: the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. For examination purposes, the examiner has treated "such as" as part of the claim in this Office Action. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Onozuka et al. (US 6,546,202).**

Regarding claim 1: Onozuka discloses a collapsible optical unit (1), a movable lens barrel along an optical axis with respect to a fixed barrel (Figure 15; column 1, lines 55-58), an image-pickup means (column 8, lines 54-56) provided behind said lens barrel, and position-detecting means for detecting a position of the lens barrel (column 12, lines 7-9).

Regarding claim 2: Onozuka discloses a position-detecting means includes a fin-shaped projection (105b, detection plate) provided in said movable barrel (column 12, lines 10-12) and a photo-sensor (96) provided in fixed barrel (column 12, lines 1-5).

Regarding claim 3: Onozuka discloses a straight-forward guide ring (5, second cylinder) including a second group lens frame (102,105) movable along the optical axis, and a position-detecting means (96) to detect a position of second group lens frame (column 12, lines 7-9).

Regarding claim 4: Onozuka discloses a second group lens frame (102,105) is a zoom lens capable of setting a zoom range by changing a position in said optical axis direction (column 14, 57-67), and said position-detecting means detects the zoom range of said lens (column 15, lines 28-37).

Regarding claim 5: Onozuka discloses a moving means (95, motor) for moving said zoom lens toward a telephoto position when the zoom lens is between a collapsed position and said telephoto position (column 15, lines 31-36); a position of second lens group is detected by position-detecting means between said collapsed position and a wide position, and a position of said second group lens frame is not detected by the position-detecting means between the wide position and the telephoto position (column 15, lines 4-21).

Regarding claim 6: Onozuka discloses an image-pickup apparatus including a collapsible optical unit (column 11, lines 17-19), a fixed barrel (Figure 15), a movable lens barrel in direction of optical axis (Figure 15), image-pickup means arranged behind said lens barrel (column 8, lines 54-56), position-detecting means (96) for detecting a position of the lens barrel within said fixed barrel, and image-pickup apparatus is a camera unit (2).

Conclusion


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kabe et al. (US 6,483,994) discloses an image device with a collapsible optical unit using springs and mechanical forces to control the zoom range of the optical unit.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nia Cook whose telephone number is (571) 270-1741. The examiner can normally be reached on Monday through Friday 7:30a - 5:00p E.S.T..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diane Lee can be reached on (571) 272-2399. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


NC



William Perkey
Primary Examiner